

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:      Jorn BULLERDIEK

Application No.:          10/541,354

Filed:                      June 21, 2006

For:      **USES OF DNA BINDING PROTEINS**

Examiner:      SHEN WU CHENG

Art Unit:          1632

Conf. No:          1121

Attorney Ref: 00982-8007.US00

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement mailed July 16, 2009, Applicant submits the following response.

Applicant confirms the original election of the invention of Group II, and further elects the species HMGB1 for prosecution on the merits with traverse. Claims 92-94, 97-98 and 100 to 101 read on the elected invention.

Applicant respectfully traverses the election of species and the formation of a new restriction group directed to the subject matter of claim 99. Applicant submits that there is no undue burden for the Examiner to search the full scope subject matter claimed in the present application, particularly with regard to each of the species set forth in the invention of Group II. In addition, Applicant respectfully submits that there can be no undue burden to search and examine claim 99 with the invention of Group II, as a full search of the invention of Group II would encompass searching the subject matter of that claim.

A response to the Restriction Requirement is timely filed by January 16, 2010, by submission of a petition for a five (5) month extension of time and payment of the requisite fees.